

## RECORD OF PROCEEDINGS

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### MINUTES OF A SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE INDY OAK TOD METROPOLITAN DISTRICT (THE “DISTRICT”) HELD AUGUST 16, 2021

A Special Meeting of the Board of Directors of the Indy Oak TOD Metropolitan District (referred to hereafter as the “Board”) was convened on Monday, August 16, 2021, at 6:00 p.m. Due to concerns regarding the spread of the Coronavirus (COVID-19) and the benefits to the control of the spread of the virus by limiting in-person contact, this District Board meeting was held by Zoom. The meeting was open to the public via Zoom.

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**Directors in Attendance Were:**

Jonnye Phifer  
Judson Connelly  
John Heikes  
Kristen Miller  
Raymond Gilmore

**Also, In Attendance Were:**

Peggy Ripko; Special District Management Services, Inc. (“SDMS”)

Elisabeth A. Cortese, Esq. and Suzanne Meintzer, Esq.; McGeady Becher P.C.

Lindsey Smith, Esq.; Winzenburg Leff Purvis & Payne LLP (for a portion of the meeting.)

Diane Wheeler; Simmons & Wheeler, P.C. (for a portion of the meeting.)

**DISCLOSURE OF  
POTENTIAL  
CONFLICTS OF  
INTEREST**

Attorney Cortese noted a quorum was present and discussed the requirements of Colorado law to disclose any potential conflicts of interest or potential breaches of fiduciary duty of the Board of Directors to the Secretary of State and to the Board. The members of the Board were requested to disclose any potential conflicts of interest with regard to any matters scheduled for discussion at this meeting. Attorney Cortese noted for the record that no disclosures were made by any members of the Board prior to this meeting as all Board members are residents of the District.

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### ADMINISTRATIVE MATTERS

**Agenda:** Ms. Ripko reviewed the proposed Agenda for the District's Special Meeting with the Board.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Connelly and, upon vote, unanimously carried, the Agenda was approved, as amended.

**Meeting Location:** The Board entered into a discussion regarding the requirements of Section 32-1-903(1), C.R.S., concerning the location of the District's Board meeting. Following discussion, upon motion duly made by Director Phifer, seconded by Director Connelly and, upon vote, unanimously carried, the Board determined that due to concerns regarding the spread of COVID-19 and the benefit to the control of the spread of the virus by limiting in-person contact, the Board determined to conduct this meeting via teleconference and encouraged public participation via Zoom. The Board noted that notice of this meeting and teleconference number was duly posted and that it had not received any objections to the meeting or any requests that the meeting be changed by taxpaying electors within the District's boundaries.

**Minutes:** The Board reviewed the Minutes of the May 17, 2021 Special Meeting.

Following discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the Minutes of the May 17, 2021 Special Meeting.

### PUBLIC COMMENTS

There was no public comment.

### FINANCIAL MATTERS

**Claims:** Ms. Wheeler discussed with the Board the payment of claims for the period ending August 16, 2021, in the amount of \$36,917.23.

Following discussion, upon motion duly made by Director Gilmore, seconded by Director Heikes and, upon vote, unanimously carried, the Board ratified approval of the payment of claims for the period ending August 16, 2021, in the amount of \$36,917.23.

**Unaudited Financial Statements:** Ms. Wheeler reviewed with the Board the unaudited financial statements for the period ending June 30, 2021.

Following review and discussion, upon motion duly made by Director Gilmore, seconded by Director Heikes and, upon vote, unanimously carried, the Board accepted the unaudited financial statements for the period ending June 30, 2021.

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### LEGAL MATTERS

**Communication with Century Communities Regarding Extension of Decks and Patios Under Covenants and Restrictions of Oak Street Townhomes and the Covenants and Restrictions of Pearson Grove:** Attorney Cortese provided an update to the Board regarding communication with Century Communities regarding extension of decks and patios under the Covenants and Restrictions of Oak Street Townhomes and the Covenants and Restrictions of Pearson Grove. Attorney Cortese noted that per Century Communities, there is no zoning or set back reason that decks and patios cannot be extended, however, any such plans must be approved by the City of Lakewood.

**Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District:** Attorney Cortese reviewed with the Board an Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board authorized District Counsel to negotiate the Intergovernmental Agreement for Oak Street Trail Connection Costs between the City of Lakewood and the District and authorized the execution of the Agreement following email review by the Board.

### COVENANT ENFORCEMENT/ DESIGN REVIEW

**Trash Survey:** Ms Ripko discussed with the Board, the results of the trash survey. She noted that 58 households responded and the majority of those were in favor of amending the Covenants to allow for visible trash cans.

**Proposal from Winzenburg Leff Purvis & Payne, LLP to prepare Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes:** Attorney Smith reviewed the proposal from Winzenburg Leff Purvis & Payne, LLP, to prepare Limited Amendment to the Covenants and Restrictions of Oak Street Townhomes and Covenants and Restrictions of Pearson Grove with the Board. Attorney Smith noted authorization from the Declarant under the Covenants and Restrictions of Pearson Grove will need to be obtained prior to moving forward on any amendment to the Pearson Grove Covenants.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Heikes and, upon vote, unanimously carried, the Board approved the proposal from Winzenburg Leff Purvis & Payne LLP, to prepare Amendments to the Covenants and Restrictions of Oak Street Townhomes and, upon Declarant authorization, Pearson Grove.

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**Landscape Matters:** Ms. Ripko reported that the landscape walk-throughs were scheduled for August 24, 2021.

**Parking Enforcement:** The Board discussed the ongoing parking concerns and the establishment of a committee to review and update the parking rules. Following discussion, the Board established a Parking Enforcement Committee and appointed Directors Phifer and Connelly to the Committee.

**Architectural Review Committee:** Ms. Ripko provided an update to the Board regarding the Architectural Review Committee.

**Appeal from 1158 Oak Circle Regarding Extension of the Deck:** The Board determined to put this matter on hold pending the covenant amendment. The Board will provide the homeowner with an update.

**Violation Reports:** Ms. Ripko provided an update to the Board regarding the Violation Reports.

### **OPERATIONS AND MAINTENANCE MATTERS**

**Landscape Matters:** Ms. Ripko provided an update as noted above.

**Solar Street Lights by the Park:** The Board entered into discussion regarding the proposals for solar street lights by the park.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the proposal for two (2) AI Solar Street Lights from eLEDing.

**Community Sign for Pearson Grove:** Ms. Ripko reported that the Community sign for Pearson Grove has been installed.

**Proposals for 2022 Landscape Maintenance:** The Board reviewed proposals from Consolidated Divisions Inc. d/b/a CDI Environmental Contractor (“CDI”) and Environmental Designs, inc. (“EDI”), for the 2022 landscape maintenance.

Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the proposal from EDI for landscape maintenance and authorized the execution of a Change Order to the current Service Agreement for 2022 services.

**Proposals for 2022 Snow Removal:** The Board reviewed proposals from CDI and EDI for the 2022 snow removal.

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Following review and discussion, upon motion duly made by Director Phifer, seconded by Director Gilmore and, upon vote, unanimously carried, the Board approved the proposal from EDI for snow removal and authorized the execution of the Service Agreement.

**Gulch Clean-Up:** Ms. Ripko provided an update to the Board regarding the gulch clean-up, stating that the City of Lakewood inspects the area on a regular basis, as required, and it is currently clear of trash.

**Parking Lot Striping:** The Board entered into discussion regarding the parking lot striping. The Board directed Ms. Ripko to obtain proposals.

**Hole In Parking Lot:** The Board entered into discussion regarding the hole in parking lot. The Board directed SDMS to have the hole repaired as soon as possible.

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### **OTHER BUSINESS**

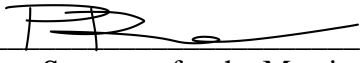
There is no other business at this time.

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### **ADJOURNMENT**

There being no further business to come before the Board, upon motion duly made, seconded and upon vote, unanimously carried, the meeting was adjourned.

Respectfully submitted,

By   
Secretary for the Meeting